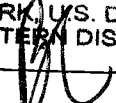


SEALED

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

JAN 22 2020

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLARENCE MCFARLAND (1),
TOI WILLIAMS (2), AND
JOSEPH ALANIZ (3),

Defendants.

Case No: SA-19-CR-733-XR

1st SUPERSEDING INDICTMENT

COUNT 1: 18 U.S.C. §§ 371, 922(a)(6)
Conspiracy to Make a False Statement During
Purchase of a Firearm

COUNTS II-VI: 18 U.S.C. §§ 922(a)(6) & 2
Aiding and Abetting a False Statement During
Purchase of a Firearm

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. §§ 371, 922(a)(6)]

That between on or about November 10, 2017, and July 28, 2018, in the Western District
of Texas, Defendants

CLARENCE MCFARLAND (1),
TOI WILLIAMS (2), AND
JOSEPH ALANIZ (3),

did knowingly and willfully conspire and agree with each other and others to commit certain
offenses against the United States: that is, in connection with the acquisition of firearms, to make
false and fictitious written statements to Action Pawn, which statements were intended and likely
to deceive Action Pawn, as to a fact material to the lawfulness of such acquisition of said firearms

under Chapter 44 of Title 18, in that Toi Williams and Joseph Alaniz did execute Firearms Transaction Records, ATF Form 4473, to the effect that they were the actual buyers of the firearms indicated on the Form 4473, when in fact, as the defendants then knew, Clarence McFarland was the actual buyer of the firearms, in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

It was part of the conspiracy, and the object thereof, for Toi Williams and Joseph Alaniz to unlawfully acquire firearms by posing as the actual buyers, and transfer them to Clarence McFarland.

OVERT ACTS

In furtherance of the conspiracy and to affect the object thereof, Toi Williams, Joseph Alaniz, and Clarence McFarland committed numerous overt acts, which included the following:

1. On or about November 10, 2017, Toi Williams and Clarence McFarland entered Action Pawn, a federally licensed firearms dealer, located at 2755 SW Military Drive in San Antonio, Texas.
2. McFarland selected the Barrett Firearms, .50 caliber semi-automatic rifle that Williams was to purchase for McFarland.
3. McFarland gave Williams cash to make the purchase.
4. Williams filled out the ATF Form 4473, indicating that she was the actual buyer of the firearm, and used the cash that McFarland had given her to pay for a Barrett Firearms, .50 caliber semi-automatic rifle.
5. McFarland took possession of the firearm at Action Pawn on or about the same date.
6. On or about February 21, 2018, Joseph Alaniz and McFarland went to Action Pawn, located at 8139 Marbach Road, San Antonio, Texas.

7. Alaniz entered Action Pawn and filled out the ATF Form 4473, indicating that he was the actual buyer of the firearm, and purchased a Barrett Firearms, .50 caliber semi-automatic rifle.
8. Alaniz took possession of the firearm and transferred it into McFarland's possession on or about the same date.
9. On or about March 21, 2018, Alaniz and McFarland went to Action Pawn, located at 8139 Marbach Road, San Antonio, Texas.
10. Alaniz entered Action Pawn and filled out the ATF Form 4473, indicating that he was the actual buyer of the firearm, and purchased a Barrett Firearms, .50 caliber semi-automatic rifle.
11. Alaniz took possession of the firearm and transferred it into McFarland's possession on or about the same date.
12. On or about April 3, 2018, McFarland gave Williams cash to purchase a Barrett Firearms, .50 caliber semi-automatic rifle.
13. On or about the same date, Williams entered Action Pawn, located at 8139 Marbach Road, San Antonio, Texas.
14. Williams filled out the ATF Form 4473, indicating that she was the actual buyer of the firearm, and used the cash that McFarland had given her to pay for a Barrett Firearms, .50 caliber semi-automatic rifle.
15. Williams took possession of the firearm and transferred it into McFarland's possession on or about the same date.
16. On or about July 28, 2018, Williams entered Action Pawn, located at 8139 Marbach Road, San Antonio, Texas.
17. Williams filled out the ATF Form 4473, indicating that she was the actual buyer of the firearm, and purchased a Barrett Firearms, .50 caliber semi-automatic rifle.

18. Williams took possession of the firearm and transferred it into McFarland's possession on or about the same date.

All in violation of 18 U.S.C. § 371.

COUNT TWO
[18 U.S.C. §§ 922(a)(6) & 2]

That on or about November 10, 2017, in the Western District of Texas, Defendants

CLARENCE MCFARLAND (1) AND
TOI WILLIAMS (2)

knowingly made, and aided and abetted and willfully caused to be made, in connection with the acquisition of a firearm, to wit, a Barrett Firearms, model 82A1, .50 caliber, semi-automatic rifle, from Action Pawn, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, a false and fictitious written statement to Action Pawn, which statement was intended and likely to deceive Action Pawn, as to a fact material to the lawfulness of such acquisition of said firearm under Chapter 44 of Title 18, in that Toi Williams did execute a Firearms Transaction Record, ATF Form 4473, to the effect that she was the actual buyer of the firearm indicated on the Form 4473, when in fact as she then knew, Clarence McFarland was the actual buyer of the firearm, in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT THREE
[18 U.S.C. §§ 922(a)(6) & 2]

That on or about February 21, 2018, in the Western District of Texas, Defendants

CLARENCE MCFARLAND (1) AND
JOSEPH ALANIZ (3)

knowingly made, and aided and abetted and willfully caused to be made, in connection with the acquisition of a firearm, to wit, a Barrett Firearms, model 82A1, .50 caliber, semi-automatic rifle, from Action Pawn, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United

States Code, a false and fictitious written statement to Action Pawn, which statement was intended and likely to deceive Action Pawn, as to a fact material to the lawfulness of such acquisition of said firearm under Chapter 44 of Title 18, in that Joseph Alaniz did execute a Firearms Transaction Record, ATF Form 4473, to the effect that he was the actual buyer of the firearm indicated on the Form 4473, when in fact as he then knew, Clarence McFarland was the actual buyer of the firearm, in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT FOUR
[18 U.S.C. §§ 922(a)(6) & 2]

That on or about March 21, 2018, in the Western District of Texas, Defendants

**CLARENCE MCFARLAND (1) AND
JOSEPH ALANIZ (3)**

knowingly made, and aided and abetted and willfully caused to be made, in connection with the acquisition of a firearm, to wit, a Barrett Firearms, model 82A1, .50 caliber, semi-automatic rifle, from Action Pawn, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, a false and fictitious written statement to Action Pawn, which statement was intended and likely to deceive Action Pawn, as to a fact material to the lawfulness of such acquisition of said firearm under Chapter 44 of Title 18, in that Joseph Alaniz did execute a Firearms Transaction Record, ATF Form 4473, to the effect that he was the actual buyer of the firearm indicated on the Form 4473, when in fact as he then knew, Clarence McFarland was the actual buyer of the firearm, in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT FIVE
[18 U.S.C. §§ 922(a)(6) and 2]

That on or about April 3, 2018, in the Western District of Texas, Defendants

**CLARENCE MCFARLAND (1) AND
TOI WILLIAMS (2)**

knowingly made, and aided and abetted and willfully caused to be made, in connection with the

acquisition of a firearm, to wit, a Barrett Firearms, model 82A1, .50 caliber, semi-automatic rifle, from Action Pawn, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, a false and fictitious written statement to Action Pawn, which statement was intended and likely to deceive Action Pawn, as to a fact material to the lawfulness of such acquisition of said firearm under Chapter 44 of Title 18, in that Toi Williams did execute a Firearms Transaction Record, ATF Form 4473, to the effect that she was the actual buyer of the firearm indicated on the Form 4473, when in fact as she then knew, Clarence McFarland was the actual buyer of the firearm, in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2) and 2.

COUNT SIX
[18 U.S.C. §§ 922(a)(6) and 2]

That on or about July 28, 2018, in the Western District of Texas, Defendants

**CLARENCE MCFARLAND (1) AND
TOI WILLIAMS (2)**

knowingly made, and aided and abetted and willfully caused to be made, in connection with the acquisition of a firearm, to wit, a Barrett Firearms, model 82A1, .50 caliber, semi-automatic rifle, from Action Pawn, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, a false and fictitious written statement to Action Pawn, which statement was intended and likely to deceive Action Pawn, as to a fact material to the lawfulness of such acquisition of said firearm under Chapter 44 of Title 18, in that Toi Williams did execute a Firearms Transaction Record, ATF Form 4473, to the effect that she was the actual buyer of the firearm indicated on the


Form 4473, when in fact as she then knew, Clarence McFarland was the actual buyer of the firearm, in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2) and 2.

A TRUE BILL.


FOREPERSON OF THE GRAND JURY

JOHN F. BASH
UNITED STATES ATTORNEY

BY:


Eric Yuen
Assistant United States Attorney